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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,844	01/04/2002	Takeshi Kanai	6715/63310	7981

7590 06/23/2004
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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT PAPER NUMBER

2676

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,844

Applicant(s)

KANAI ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications of amendment received 3/08/2004.
2. The disposition of the claims is as follows: claims 1-52 are pending in the application. Claims 1, 6, 12, 15, 18-20, 29, 37 and 45 are independent claims.
3. When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

Drawings

4. In view of applicant's remarks, objection to drawings is withdrawn.

Specification

5. In view of amended abstract and specification, objections are withdrawn.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 6, 12, 15, 18-20, 29, 37 and 45 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The information processing method claimed may very well be subjectively analyzing drawing information, determining (tape measure) and then hanging or attaching (generating) a drawing to a wall (real display) relative to other drawings.

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Nothing is mention in the claims with respect to a **computer, computer display screen or real display associated with said computer**. For example, lacking patentable utility is that which is frivolous, fraudulent, against public policy, etc. See MPEP §§ 706.03(a) and 2105- 2107.03.

Claim Rejections - 35 USC § 112

8 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 3, 4, 6, 18, 29, 37 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. The term "real" in claims 1, 3, 4, 6, 18, 22, 23, 29, 32, 37, 38, 40, 45 and 48 is a relative term which renders the claims indefinite. The term "real" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. The term "display" has been rendered indefinite in claims 1, 3, 4, 6 and 18 by use of the term "real". The term "drawing" has been rendered indefinite in claims 22, 23, 29, 32, 37, 38, 40, 45 and 48 by use of the term "real".

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-52 are rejected under 35 U.S.C. 102(b) as being disclosed by Kaji et al., (US Patent 5,813,018), hereafter Kaji.

A. Claim 1, “An information processing method for processing ... the method comprising: analyzing the drawing information including information of at least one object that can be displayed and layout designating information for specifying a relative position direction with respect to a direction of arranging the object [col. 3, lns. 56-66]; determining a relative placing position of the object in a desired drawing area based on layout definition information corresponding to the layout designating information obtained by the analysis of the drawing information [col. 3, ln. 66 – col. 4, ln. 6]; generating real display position information corresponding to the relative placing position of the object responsive to the arranging direction [col. 7, lns. 25-31; col. 7, ln. 58 – col. 8, ln. 12]; and displaying the object [col. 24, lns. 35-57]” is disclosed [as detailed]. Wherein [handwritten figure], [sentence] and [characters] correspond to “objects”; [drawing recognized] corresponds to “analyzing drawing”;

(Examiner’s note: The phrase in the preamble “to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text” lacks patentable weight in claim 1 and therefore irrelevant to prior art search. It is suggested to use “command text” and “vertically-arrayed text and horizontally-arrayed text” in further detail of claim for patentable weight.) See - “[A] claim preamble has the import that the claim as a whole suggests for it.” Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). “If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the

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balance of the claim.” Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999).

B. Claim 2, “The information processing method according to claim 1 wherein the layout definition information includes information indicating a size of the drawing area and the drawing area and the relative placing position of the object in the drawing area are converted into a real display position” is disclosed supra for claim 1, particularly at “After this, the positions of both the line segments comprising the drawing, and the display regions for the sentences are determined according to the extracted topology and shape of information, as well as the sizes of the display regions.”

C. Claim 3, “The information processing method according to claim 1 wherein, the object is displayed based on the real display position” is disclosed supra for claim 1.

D. Claim 4, “The information processing method according to claim 1, wherein the relative placing position of the object is updated in response to a request for changing the drawing direction of the object and the updated relative placing position of the object is converted to a real display position [col. 8, lns. 15-44; col. 18, lns. 36-53]” is disclosed supra for claim 1 and [as detailed]. Wherein a change in x and/or y corresponds to a change in direction.

E. Claim 5, “The information processing method according to claim 1 wherein the plurality of objects comprises a first object and a second object; a relative placing position of the first object is determined based on a layout definition information of a first object; and a relative placing position of the second object is determined responsive to the determined relative placing position of the first object [col. 3, lns. 16-37]” is disclosed supra for claim 1 and [as detailed].

F. Per independent claims 6 and 18, these are directed to an apparatus and medium,

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respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1.

G. Per dependent claims 7-9 and 11, these are directed to an apparatus for performing the method of dependent claims 2-5, and therefore are rejected to dependent claims 2-5.

H. Claim 10, “The information processing apparatus according to claim 6, further comprising: means for inputting a request for changing the drawing direction of the object [col. 23, ln. 65 – col. 24, ln. 34]” is disclosed supra for claims 4 and 6 and as [as detailed].

I. Claim 12, “An information processing method for processing ... the method comprising the steps of: generating the information of at least one object that can be displayed [col. 7, lns. 25-31; col. 7, ln. 58 – col. 8, ln. 12]; generating layout designating information specifying a relative position direction with respect to an arranging direction of the object [col. 3, lns. 56-66]; generating drawing information at least including the object information and the layout designating information [col. 3, ln. 66 – col. 4, ln. 6]; and displaying the object [col. 24, lns. 35-57]” is disclosed [as detailed].

(Examiner’s note: The phrase in the preamble “to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text” lacks patentable weight in claim 1 and therefore irrelevant to prior art search. It is suggested to use “command text” and “vertically-arrayed text and horizontally-arrayed text” in further detail of claim for patentable weight.) See - “[A] claim preamble has the import that the claim as a whole suggests for it.” Bell

Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). “If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is necessary to give life,

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meaning, and vitality' to the claim, then the claim preamble should be construed as if in the balance of the claim." Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999).

J. Claim 13, "The information processing method according to claim 12, wherein the layout designating information includes information representing a size of the drawing area" is disclosed supra for claim 12, particularly at "After this, the positions of both the line segments comprising the drawing, and the display regions for the sentences are determined according to the extracted topology and shape of information, as well as the sizes of the display regions."

K. Claim 14, "The information processing method according to claim 12, wherein the drawing information is distributed [col. 7, ln. 42 – col. 8, ln. 12]" is disclosed supra for claim 12 and [as detailed]. Wherein "variables are assigned to both the coordinates of the start and end points of each line segment composing a drawing, and the coordinates of the source language sentence display region" correspond to distributed drawing information.

L. Per independent claims 15 and 19, these are directed to an apparatus and medium, respectively, for performing the method of independent claim 12, and therefore are rejected to independent claim 12.

M. Per dependent claims 16 and 17, these are directed to an apparatus for performing the method of dependent claims 13 and 14, and therefore are rejected to dependent claims 13 and 14.

N. Claim 20, "An information processing method for processing ... the method comprising the steps of: analyzing drawing information at least including information containing at least one object that can be displayed, information pertinent to a size of the object in a line direction and in a line feed direction, [col. 8, lns. 15-43] and information pertinent to a layout [col. 3, lns. 56-66];

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acquiring coordinate information pertinent to a display start position of the object in a drawing area based on a result of the analysis [col. 7, lns. 5-10]; converting the coordinate information pertinent to the display start position based on the layout-related information obtained by the result of the analysis [col. 7, lns. 10-31]; converting the coordinate information pertinent to the converted display start position into the real drawing coordinate information on the drawing area [col. 10, ln. 60 – col. 11, ln. 12]; and displaying the object [col. 24, lns. 35-57]” is disclosed [as detailed]. Wherein x and y direction correspond to line direction and in the line feed direction respectively.

(Examiner’s note: The phrase in the preamble “to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text” lacks patentable weight in claim 1 and therefore irrelevant to prior art search. It is suggested to use “command text” and “vertically-arrayed text and horizontally-arrayed text” in further detail of claim for patentable weight.) See - “[A] claim preamble has the import that the claim as a whole suggests for it.” *Bell Communications Research, Inc. v. Vitalink Communications Corp.*, 55 F.3d 615, 620, 34 USPQ2d 1816, 1820 (Fed. Cir. 1995). “If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is necessary to give life, meaning, and vitality’ to the claim, then the claim preamble should be construed as if in the balance of the claim.” *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999).

O. Claim 21, “The information processing method according to claim 20, wherein the drawing information further includes the information pertinent to a size of the drawing area in the line direction and in the line feed direction; and the coordinate information pertinent to the

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display start position is converted into the real drawing coordinate information in the drawing area based on the information pertinent to the sizes in the line direction and in the line feed direction of the drawing area [col. 11, ln. 13 – col. 12, ln. 56]” is disclosed supra for claim 20 and [as detailed].

P. Claim 22, “The information processing method according to claim 21, wherein when the object is horizontally written the real drawing coordinate information is used” is disclosed supra for claim 21, particularly in [col. 11, ln. 36 – col. 13, ln. 10]. Wherein x direction corresponds to horizontally written.

Q. Claim 23, “The information processing method according to claim 21, wherein when the object is vertically written a difference obtained on subtracting a coordinate value in the line direction of the real drawing coordinate information from the size in the line feed direction of the drawing area as the coordinate value in the line direction of the real drawing coordinate information [col. 19, lns. 23-55; col. 22, ln. 46 – col. 23, ln. 8]” is disclosed supra for claim 21 and [as detailed].

R. Claim 24, “The information processing method according to claim 20, wherein the object is represented on display means based on the real drawing coordinate information [col. 7, lns. 5-31]” is disclosed supra for claim 20 and [as detailed].

S. Claim 25, “The information processing method according to claim 20, wherein the plurality of objects comprises a first object and a second object; when it is verified that the second object is to be displayed on the first object the drawing start coordinate information of the second object is generated based on the information pertinent to the size of the first object in the line direction and in the line feed direction and on the layout-related information [col. 3, lns. 16-

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55; col. 7, lns. 5-31; col. 8, ln. 15 – col. 9, ln. 54]” is disclosed supra for claim 20 and 22.

Wherein x and y correspond to line direction and line feed direction respectively.

T. Claim 26, “The information processing method according to claim 25, wherein the second object is drawn one of upstream and downstream of the first object based on the drawing start coordinate information of the second object” is disclosed supra for claim 25. Wherein downstream and upstream correspond to direction of additional placed information (characters or text).

U. Claim 27, “The information processing method according to claim 20 wherein the plurality of objects further comprises at least one decorative object; when it is verified that the decorative object is to be displayed on the object the drawing start coordinate information of the decorative object is generated based on the information pertinent to the size of the object in the line direction and in the line feed direction and on the layout-related information [col. 3, ln. 56 – col. 4, ln. 7]” is disclosed supra for claim 20 and 25. Wherein handwritten figure corresponds to decorative object.

V. Claim 28, “The information processing method according to claim 27, wherein the decorative object is drawn one of upstream and downstream of the object based on the drawing start coordinate information of the decorative object” is disclosed supra for claim 27 and 26.

W. Per independent claims 29, 37 and 45, these are directed to a method, apparatus and apparatus, respectively, for performing the method of independent claim 20, and therefore are rejected to independent claim 20.

X. Per dependent claims 30-31 and 33-36, these are directed to a method for performing the method of dependent claims 21-22 and 25-28, respectively, and therefore are rejected to

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dependent claims 21-22 and 25-28.

Y. Claim 32, "The information processing method according to claim 29, wherein when the object is horizontally arranged a difference obtained on subtracting the real drawing coordinate information from the size in the line feed direction of the drawing area is used as the coordinate value in the line direction of the real drawing coordinate information" is disclosed supra for claim 29, 22 and 23.

Z. Per dependent claims 38-44 and 46-52, these are directed to an apparatus and apparatus for performing the method of dependent claims 30-44 and 21-28, respectively, and therefore are rejected to dependent claims 30-44 and 21-28.

Citation of Pertinent Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>U. S. Patent No.</u>	<u>Issued</u>	<u>Class</u>	<u>Applicant(s)</u>
US 20020013693 A1	20020131	704/2	FUJI, MASARU
US 6065021 A	20000516	715/502	George, Paul A.
US 5381523 A	19950110	715/513	Hayashi, Koichi
US 6590674 B1	20030708	358/1.18	Orton, David A.
US 6026417 A	20000215	715/517	Ross, Benjamin E. et al.
US 5398311 A	19950314	345/471	Seto, Kunio
US 5796401 A	19980818	345/619	Winer, Peter W.

Response to Arguments

13. Applicant's arguments filed 3/08/2004 have been fully considered but they are not persuasive.

In as much as the Applicant's intention to overcome 101 rejection of claims 1, 6, 12, 15, 18-20, 29, 37 and 45 by expanding the preamble with "to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text" and adding "displaying the object", the claims still lack patentable utility. While this expanded portion of the preamble carries no patentable weight, see Examiner's note supra, "displaying the object" can be carried out by any means whatsoever. For the claims to have patentable utility, they (the claims) need to convey a means so long as they (the claims) are not so broad that they (the claims) are rendered by the mere mental capacity of a human. Patentable utility for instance would be the use of a **computer, computer display screen or display associated with a computer** to achieve these claims.

In response to applicant's arguments, the recitation "to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Although the claims are read in light of the specification, the specification is not read into the claims.

Here again, even though independent claims 1, 6, 12, 15, 18-20, 29, 37 and 45 have been amended by expanding the preamble with “to allow a command text to be used for both vertically-arrayed text and horizontally-arrayed text” and adding “displaying the object”, the expanded preamble carries no patentable weight and thus the Kaji et al. reference reads on the residual claims as detailed, *supra*, for each claim.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

15. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for formal communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

Inquiries

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

J.F. Cunningham

gfc

June 17, 2004

Matthew C. Bella

**MATTHEW C. BELLA
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